

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
EXECUTIVE SESSION MINUTES
September 25, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Town Manager Kevin Paicos
Town Counsel Dick Gelerman
Atty. Cindy Amara

A motion to enter into Executive Session to discuss real property negotiations was approved by roll call vote, L. Walsh – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis – yes at 7:15 p.m.

A term sheet has been received from the Kraft Organization. Atty. Gelerman is not in agreement with most of the items but feels that some of the items can be up for discussion.

In regards to liquor licenses, they cannot be sold to anyone, but mitigation can be received for getting them. The Board does not issue them, but can support a town meeting article to ask for them. From there it would go to the State Legislature for approval.

The term sheet includes 8 new licenses, 2 sales and 6 pouring. The Toby Keith license is one that belongs to the town, if any new licenses were received by the Kraft's that license would revert back to the town. The same goes for the Trader Joe's sale license. Atty. Gelerman will confirm this. The net gain by the Krafts would be 1 sale and 5 pouring licenses. The town is provided \$140,000 per year in mitigation through 2018 right now for the licenses granted previously.

The Board would like to know what kind of a sales store would be there, a big box retailer or a liquor store. Two Board members are against any kind of store license, but three are willing to listen to what kind of a store they are proposing.

The Board will not support any nightclub establishments, but would consider supporting licenses for restaurants.

Atty. Gelerman will check the Special Legislation that granted the 12 liquor licenses for the terms of the existing licenses.

The Board discussed whether an additional license not for the Route 1 area should be included to encourage restaurants in other parts of town.

Another item on the term sheet is the ticket pricing formulas under the stadium lease. This would affect how much the town gets from ticket sales. They would like a lower price for smaller venue events; there would be no change to existing events. They would like to index the ticket

formula to the ticket price instead of the Cost of Living Index. They would like to have smaller events at the stadium. Presently any increases to ticket prices do not mean the town gets more revenue. The Board members noted that this mitigation may end up being lower than the towns actual costs as a result of incidences and injuries to officers at Patriot's Place.

The Board discussed whether preference could be given to local workers on any future projects. This would be unenforceable.

The Board discussed having a permanent police substation at the stadium. The Police Chief would like to have a permanent substation with a staff of four, cells and radios as well as a new paddy wagon. Mr. Paicos suggested that the \$140,000 could be given in perpetuity to support that. He also suggested that the Kraft's be asked to cover the police and fire special accident insurance 100%, right now they only cover 25% of the cost.

Mr. Paicos would like the forgiveness of the MIIA fee of \$50,000 to be discontinued.

Atty. Gelerman's list includes: the billboards, the reuse tank, zoning changes, residential development, solar power, pedestrian crossover and resolution of prior agreements.

He would like one more meeting with the Board to finalize a list to bring to the Kraft's. A consultant is needed to put values on the negotiations.

The Board discussed the previous mitigation for not building a sewer plant at the stadium that is valued at approximately \$7.5 million that has never been received.

Mansfield is looking for an answer in December or January as to whether the town is joining the regional plant or not.

Atty. Gelerman will call Atty. Cobrey and ask about the Kraft's honoring the value of the cost of the treatment plant before any further negotiations can begin.

The first meeting with the Kraft's will be next Tuesday at 5:00 p.m.

The meeting was adjourned at 9:10 p.m. by role call vote, L. Walsh – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis - yes.

Respectfully Submitted,

Diana Gray